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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,700	07/25/2001	John Ross Campbell	821-11US	3993
23716	7590	03/24/2005	EXAMINER	
ANTHONY ASQUITH			WALLS, DIONNE A	
28-461 COLUMBIA STREET WEST			ART UNIT	
WATERLOO, ON N2T 2P5			PAPER NUMBER	
CANADA			1731	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/911,700	<b>Applicant(s)</b> CAMPBELL, JOHN ROSS	
	<b>Examiner</b> Dionne A. Walls	<b>Art Unit</b> 1731	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

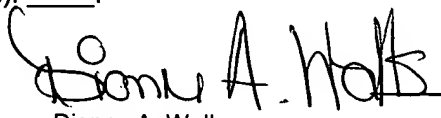
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-14.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

  
 Dionne A. Walls  
 Primary Examiner  
 Art Unit: 1731

Continuation of 5. does NOT place the application in condition for allowance because: the Examiner does not find Applicant's arguments, presented in the Declaration, to be persuasive. Specifically, Applicant's arguments are based on the fact that while the prior art may show NC cutting machines, and templates for positioning glass pieces, there is nothing to suggest when making cut-glass fused panels, templates can be used for positioning the pieces that have been cut out by an NC machine. The Examiner disagrees, and stresses that the art clearly suggests that a template can be used to aid in the positioning of glass pieces onto base panes for decorative purposes, i.e. art (see Sellars). Whether these glass pieces are cut by hand or cut by a machine is immaterial. Applicant has admitted that either the cutting of glass by hand, or the cutting of glass by machine is known or obvious. Therefore, positioning said glass pieces by using a template would be an obvious step in light of the teaching of Sellars. Nothing that Applicant has stated in his Affidavit would lead the Examiner to believe differently. While it is known that, for SOME, the notion of "mass production" or "automated processes", flies in the face of artistic merit, since, to SOME, art is a world of "one-of"s. However, this is not the basis upon which patentability is established. The fact that the prior art of record suggests that one having ordinary skill in the art would have been motivated to machine cut glass pieces and place them in a template for positioning is the basis for the Examiner's assertion that the prior art is proper for rejecting the pending claims, and that the claims are unpatentable .

Continuation of 10. Other: The Final Rejection mailed on August 20, 2004 will be maintained..